

## **REMARKS**

This amendment is responsive to the final office action dated July 13, 1998, in which claims 1 and 41 were rejected and claims 32, 35-40, 42-56 were allowed. Reconsideration and favorable action is requested.

First the applicant expresses appreciation for the notice that claims 32, 35-40, 42-56 are allowed. It is believed that the remaining problems with the application can be easily overcome.

### **Rejection of Claim 1**

The Examiner requested clarification as to the status of Claim 1. The Examiner correctly surmised that applicant intended to cancel Claim 1 in the previous amendment, and Claim 1 is herein formally canceled, which overcomes the current rejection of Claim 1.

### **Drawings**

The Examiner has requested that Figure 1 be relabeled as prior art based on MPEP § 6080.02 (g). Reconsideration is requested. Figure 1 shows the box that contains the invention. Since Figure 1 illustrates the present invention, it would be confusing to label it as prior art. While such boxes are in the prior art, this particular box illustrates the box used in the present invention and was disclosed to ensure that the best mode and enablement requirements are met. Referring to page 8, line 17, Figure 1 illustrates the analyzer 10 and referring to page 8, line 35, the same analyzer 10 is shown in a simplified block diagram. Referring to page 14, line 27, analyzer 10 is again referenced with regard to the invention embodiment of Figures 6, 7 and 8. Since analyzer 10 is the invention, it would be confusing to label Figure 1 as prior art.

The concerns raised by the Examiner have been addressed by inserting a sentence at page 8, line 33 stating that the physical features illustrated by Figure 1 are conventional and may be found in prior art devices. This statement adds no new disclosure, but clarifies that the box shown in Figure 1 is conventional, which is precisely the point that the Examiner is

raising. In view of this clarification, it is requested that this drawing requirement be withdrawn.

**Information Disclosure Statement**

In response to the deficiencies noted in the IDS filed 4/10/98, applicant has submitted another IDS that cures the deficiencies to the extent possible. If any outstanding problems remain with the IDS, the Examiner is requested to call the undersigned.

**§112 Rejection**

Claim 41 has been amended to overcome the §112 amendment. This amendment is intended to correct a formal matter and is not made to overcome any prior art. Therefore, such amendment is proper after a final rejection.

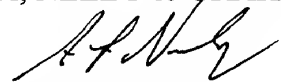
**Conclusion**

It is believed that the applicant has now placed the application in condition for full allowance and such action is earnestly requested. If any problems remain, and a phone call might expedite an early disposition, the Examiner is requested to call the undersigned.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By:

  
Andrew S. Neely  
Attorney for Petitioner  
Registration No. 28,979

P.O. Box 1871  
Knoxville, Tennessee 37901  
(423) 546-4305

\*\*\*CERTIFICATE OF MAILING\*\*\*

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

on

9/11/98  
September 11, 1998

48545C1A.911

  
Andrew S. Neely